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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI H.L. DATTU, C.J. &
HON'BLE SHRI D.R. DESHMUKH, J.**

M.A. (C) No.421 of 2007

APPELLANT : Pratap Singh, aged about 35 years, S/o
Sri Lakeswar Singh Cast.- Rajput, R/o
Ankura, The.- Kunkuri, Dist.- JasPur
(C.G.)

Versus

RESPONDENTS

1. Vijay Kumar Patel, aged about 50
years, S/o Sunderial Patel, Cast
Aghariya R/o Vil. Tasladih, Dist.
Sundergarh (Orissa)
2. Dinbandhu S/o Sri Khedu aged about
32 year, R/o Village Alekera, Thana
Sadar, Dist. Sundergarh (Orissa)
3. Branch Manager, The New India
Insurance Company Ltd. Tushar Market
Colony, First floor Hospital Road,
Sundargarh (Orissa)

Appeal under Section 173(2) of the Motor Vehicle Act.

Present : Shri Akhilesh Kumar, counsel for the appellant.

ORAL ORDER
(Passed on 11th April, 2007)

The following oral order of the Court was passed by
H.L. Dattu, C.J.

This appeal arises out of an award passed by the Motor Accident
Claims Tribunal, Jashpur in Claim Case No.33 of 2005, dated 22-01-2007.
Learned Presiding Officer of the Tribunal after considering the evidence on
record has come to the conclusion that the appellant has failed to prove the
nature of the injuries suffered by him and inspite of this the learned Presiding
Officer has thought it fit to award a sum of Rs.37,073/- with appropriate
interest to the appellant, may be by taking a very sympathetic attitude towards
the appellant.

(2) It is expected of the appellant to prove the injuries suffered by him by adducing oral and documentary evidence. If he has failed to prove the injuries before the Tribunal, it cannot be held that the Tribunal has committed any error in passing the award only to the tune of Rs.37,073/-.

(3) Having gone through the orders passed by the Tribunal and also the evidence on record, we are of the firm opinion that the Tribunal has not committed any error whatsoever which would call for our interference. In view of the above, the appeal requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge